

12.515 NONVIOLENT DEMONSTRATION: ARREST PROCEDURE

Reference:

Ohio Revised Code 2911.21(A4) - Criminal Trespass
(Refusing to Depart)

Procedure 12.545 - Use of Force

Procedure 12.555 - Processing of Felony and
Misdemeanor Adult Prisoners

Procedure 12.625 - Transportation of Weapons and
Prisoners

Purpose:

1. To outline procedure for police personnel when dealing with nonviolent demonstrations: sit-ins, stand-ins, lay-ins, etc.
2. To protect the constitutional rights of all persons.

Procedure:

A. Responsibilities When a Nonviolent Demonstration Occurs:

1. In all cases of nonviolent demonstrations in which the participants interfere with the normal activities of others, the first police officer on the scene shall:
 - a. Notify the district shift O.I.C. of all pertinent details.
 - b. Contact the owner, agent, property manager, superintendent, etc., and request him to respond to the scene of the demonstration.
2. The shift O.I.C. will respond to the scene and:
 - a. Confer with the owner, agent, property manager, superintendent, etc. and the spokesman for the demonstrators in order to evaluate the situation and alleviate any further police action.

- b. If further police action is deemed necessary, the shift O.I.C. will:
 - 1) Inform the district commander of the situation.
 - 3. The district commander shall respond if it is apparent that further police action will be necessary.
 - a. If upon responding firsthand observation indicates additional police action is necessary, he shall:
 - 1) Inform the Patrol Bureau Commander.
 - a) Identify the organization or parties involved.
 - b) State if incidents have occurred; report general conditions.
 - c) Determine personnel needed to remedy the situation.
 - 2) Inform Police Communications Section to dispatch necessary personnel.
 - 3) If arrests are anticipated:
 - a) Alert CIS (Criminalistics Unit) to supply necessary personnel for photographing and identifying the persons to be charged.
 - 1] Photographs will be made of the general area and demonstrators.
 - 2] Identification photos of participants arrested, if any, will be taken with the arresting officer in Central Intake.
 - b) Make arrangements for transportation.
 - c) Notify Central Intake and Juvenile Court of anticipated number of prisoners.

4. If a demonstration occurs in an educational institution and participants are students, the dean, principal, or superintendent shall:
 - a. Notify the students to disband and return to normal activities. If the students refuse to comply with this request:
 - 1) They will be immediately notified they are interfering with the normal activities of the educational institution and are subject to arrest under the trespassing statute.
5. In the presence of a police officer, persons demonstrating will be told they are trespassing by the owner, agent, property manager, superintendent, etc., and will be notified to depart from the premises.

NOTE: If the trespassers do not depart, this constitutes a misdemeanor in the presence of a police officer and they are subject to arrest.

- a. If the trespassers depart the premises peaceably, no further action is to be taken.
- b. If the trespassers refuse to depart, the police officer shall:
 - 1) Inform the trespassers they are under arrest and charged with Criminal Trespass (Refusing to Depart).
 - 2) State to those arrested they can either walk or be carried to the police conveyance, but should they have to be carried, an additional charge of Resisting Arrest will be placed against them.
 - 3) Following photographing, the arrested will be taken to Central Intake for processing.

6. Trespassing affidavits will be filed by the owner, agent, etc. Affidavits for other offenses occurring in the police officer's presence such as: Disorderly Conduct, Assault, Resisting Arrest, etc. may be filed by the police officer.

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